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ATTORNEYS FOR PLAINTIFF
BRYGGEN SHIPPING & TRADING AS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRYGGEN SHIPPING & TRADING AS,

Plaintiff,

-against-

PETROEXPORT LTD.,

Defendant.

08 CV 0093

**AFFIDAVIT IN
SUPPORT OF ATTACHMENT**

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Michael J. Frevola, being duly sworn, deposes and says:

1. I am a member of the firm of Holland & Knight LLP, attorneys for plaintiff Bryggen Shipping & Trading AS ("Plaintiff"), and I am duly admitted to practice before the United States District Court for the Southern District of New York.

2. I am familiar with the facts and circumstances underlying this dispute and I am submitting this affidavit in support of the Verified Complaint and the Writ of Attachment.

3. Undersigned counsel is mindful of the due diligence requirements related to the inquiry of whether a particular defendant is "found" in this jurisdiction for the purpose of a Supplemental Rule B attachment. Undersigned counsel is equally mindful that in order to be "found" there are two requirements, both of which must be satisfied: first, the defendant must be capable of being served with process in the jurisdiction; and second, the defendant must have a presence here sufficient to support the exercise of *in personam* jurisdiction. As to the second requirement, what must be established is that the defendant is engaged in a systematic and continuous course of doing business in the jurisdiction so as to warrant a finding that the defendant has a presence here.

4. As will be seen below, the defendant Petroexport Ltd. ("Defendant") represented in the amended recap to the parties' voyage charter party that it has a presence in New York at 340 East 64th Street, Suite 34C, New York, New York, 10021. However, our Firm's investigation as to both prongs of the "presence" requirement has found nothing at all to indicate that Defendant has a presence in this jurisdiction. Thus, it is respectfully submitted that the Defendant is not "found" here for the purposes of Supplemental Rule B.

5. Under my supervision, our office contacted the New York Secretary of State for the State of New York, and was advised that Defendant is not a New York limited partnership. Our office also confirmed that Defendant is not a foreign limited partnership registered to do business in New York.

6. Under my supervision, our office also checked for the presence of Defendant in other sources. Defendant is not listed in the telephone directory of the principal metropolitan

areas in this district, nor is it listed in the Transportation Tickler, a recognized commercial directory in the maritime industry.

7. The undersigned is mindful that the address for Defendant Petroexport Ltd. indicated on the amended recap for the parties' voyage charter party is 340 East 64th Street, Suite 34C, New York, New York, 10021. But the research conducted by our office indicates that this address is for a different entity named Petroexport LLC, not Defendant Petroexport Ltd.

8. According to our research, Petroexport LLC is a Delaware business entity that – unlike Defendant – is registered registered to do business at the indicated address. In contrast, Defendant Petroexport Ltd. is not incorporated or registered to do business in New York, and the only address that Petroexport Ltd. appears to have is that of a corporate representative in the Cayman Islands, namely M+C Corporate Services Ltd., Ugland House, South Church Street, George Town, Cayman Islands. Annexed as Exhibit 1 is a true copy of payment details of a payment made by Petroexport Ltd. to Plaintiff Bryggen Shipping & Trading AS, which payment details contain the Cayman Islands address information for Defendant Petroexport Ltd.

9. Accordingly, to the best of my information and belief, Defendant Petroexport Ltd. cannot be found within this district or within the State of New York.

10. Based upon the facts set forth in the Verified Complaint, I respectfully submit that the Defendant Petroexport Ltd. is liable to Plaintiff for the damages alleged in the Verified Complaint, which amounts, as best as can be presently determined, amount to a total of US\$244,546.25, including estimated interest, legal fees and expenses.

11. Upon information and belief, Defendant Petroexport Ltd. has property, goods, chattels or effects within this jurisdiction, to wit: funds or accounts held in the name of Petroexport Ltd. at one or more of the following financial institutions:

Bank of America, N.A.

Bank of China

The Bank of New York

Citibank, N.A.

Deutsche Bank Trust Company Americas

HSBC Bank USA, N.A.

JPMorgan Chase Bank, N.A.

UBS AG

Wachovia Bank, N.A.

Société Générale

Standard Chartered Bank

BNP Paribas

Calyon Investment Bank

American Express Bank

Commerzbank

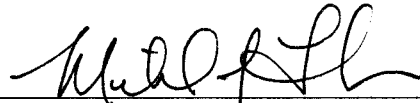
ABN Amro Bank

Bank Leumi USA

Banco Popular

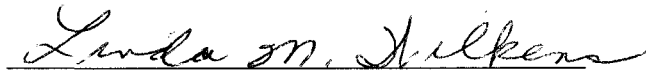
12. Plaintiff is, therefore, requesting that this Court, pursuant to Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, issue a writ of maritime attachment for an amount up to US\$244,546.25.

WHEREFORE, Plaintiff respectfully requests that the application for a writ of maritime attachment and garnishment be granted.



Michael J. Frevola

Sworn to before me this
4th day of January, 2008



Notary Public

Linda M. Wilkens
Notary Public, State of New York
No. 01WI9672455
Qualified in Queens County
Certificate filed in New York County
Commission Expires September 30, 2010

EXHIBIT 1

DnB NOR

R-6226(222)

(R-6617)

10.645

BRYGGEN SHIPPING & TRADING AS
 ENGELGÅRDEN
 BRYGGEN 47
 5003 BERGEN

Dato 30.05.2007

KREDITOPPGAVE

Vi har godskrevet Deres konto	:		8210.05.33215
Beløp	:	USD	881.052,10
Valutadato	:		30.05.2007
Mottatt dato	:		30.05.2007
Betalingsreferanse	:		7908NOI00932007

O-1446

Omkostninger betales av:	Delt - avsender / mottaker		
Opprinnelig beløp:		USD	881.068,67
Mottatt beløp:		USD	881.068,67
Bankens omkostninger:	NOK	100,00	USD 16,57
Detaljer:			
Produktpris:	NOK	100,00	

O-2720

Oppdragsgiver	Mottatt fra
PETROEXPORT LTD	BPPBCHGGXXX
M+C CORPORATE SERVICES LTD	BNP PARIBAS (SUISSE) SA
UGLAND HOUSE, SOUTH CHURCH STREET	2, PLACE DE HOLLANDE
GEORGE TOWN//KY	GENEVA
Melding til betalingsmottaker:	Via bank:

Grensekryssende betalinger er rapportert til Valutaregisteret i henhold til myndighetskrav

